IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

WP(C).No. 32081 of 2006(T)

PETITIONER:

N.S. PADMADAS, AGED 37 YEARS,
S/O.SADANANDAN, `PADMALAYAM'
T.C.46/656, POONTHURA P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.P.RAJEEVAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. COMMISSIONER FOR GOVERNMENT EXAMINATIONS, POOJAPPURA, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 32081 OF 2006

Dated this the 13th December, 2006.

JUDGMENT

The petitioner is challenging Ext.P8 order passed on 24.12.2003 rejecting his claim for the benefit of circular dated 22.10.1994 for reappointment on the ground that he is a physically challenged person and was appointed temporarily in terms of Rule 9(a)(i) of Part II K.S & S.S.R. The petitioner had approached this Court by filing WP(C)28739/2003 and obtained a direction from this Court for early consideration of his claim. It is in the above circumstance the Government passed Ext.P8 order dated 24.12.2003.

2. Inspite of the fact that the request made by the petitioner was rejected, he did not challenge the above order for a period of two years. This writ petition is liable to be dismissed for delay and laches. Counsel for the petitioner submits that the petitioner has filed this belated writ petition inspired by the dictum laid down by a Full Bench of this Court in **Kerala Water Authority v. D.Surendran** {ILR 2006(4) Kerala 504}. But on going through the averments in the writ petition, it is difficult to bring the case of the petitioner within the four corners of the above decision. There is no case for the petitioner

that his appointment was against a sanctioned post. The materials on record do not spell out that the appointment was against a sanctioned post or a regular post. On the other hand, the decision of the Division Bench in **State of Kerala v. Noojum** {2005(4) KLT 542} applies to the facts of this case. Hence, on merits also, this writ petition is liable to be dismissed. I do so.

K.K.DENESAN
Judge

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